

AO 133

(Rcv. 9/89) Bill of Costs

APPENDIX R

UNITED STATES DISTRICT COURT

EASTERN

District of PENNSYLVANIA

Vanguard Identification Systems, Inc.

BILL OF COSTS

V.

Ronnie E. Goade Sr., et al.

Case Number: 02-2943

Judgment having been entered in the above entitled action on 2/14/05 against the Plaintiff,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>6,004.81</u>
Fees and disbursements for printing	_____
Fees for witnesses (itemize on reverse side)	_____
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>2,342.04</u>
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	<u>6,376.75*</u>
TOTAL	\$ <u>14,723.60</u>

*Please see attached supplemental declaration for itemization of all costs.
 SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: PLEASE SEE ATTACHED CERTIFICATE OF SERVICE

Signature of Attorney: Name of Attorney: William E. Lohnes (pro hac vice)

For: ALL APPEARING DEFENDANTS Date: 2/15/05
Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____
Deputy Clerk

Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**VANGUARD IDENTIFICATION SYSTEMS,
INC.,**

Plaintiff

v.

RONNIE E. GOADE, SR., et al.

Defendants.

CIVIL ACTION

NO. 02-2943

FEBRUARY 15, 2005

**SUPPLEMENTAL DECLARATION IN SUPPORT
OF DEFENDANTS' BILL OF COSTS**

The Defendants, REG Oklahoma Acquisitions, LLC, Ronnie E. Goade, Sr., The Ronnie E. Goade, Sr. Revocable Trust, and Susan M. Goade (collectively, "Defendants"), hereby request that the Clerk enter an order taxing costs against the Plaintiff, Vanguard Identification Systems, Inc. ("Vanguard"), in the amount of \$14,723.60, in accordance with Federal Rule of Civil Procedure 54. In support of this request, Defendants represent the following:

1. Defendants prevailed on all claims asserted by Vanguard in this action, and are the prevailing parties in this lawsuit as the term "prevailing party" is used in Federal Rule Civil Procedure 54. See Judgment, entered 10/1/04 (Docket Entry No. 85); Memorandum & Order, entered 2/14/05 (Docket Entry No. 96) (denying Vanguard's post-trial motion, entering judgment in Defendants' favor).

2. Defendants necessarily incurred the following costs in connection with this action:

I. Fees Associated With Depositions Taken For Use At Trial

- a. Fee paid to obtain copy of transcript of depositions of Richard Warther and Robert Kane, for use at trial, paid to DeCrescenzo Reporting, in the amount of \$1,781.70. See DeCrescenzo Reporting Invoice and Check (attached hereto as Exhibit A).
- b. Fees necessarily incurred in connection with the deposition of Hugh Wilder, which was videotaped for use at trial. These fees include:
 - (i) Written transcript fee, in the amount of \$993.45, paid to Cunningham Services. See Cunningham Services Invoice and Check (attached hereto as Exhibit B);
 - (ii) Video conference fee, paid in order to allow counsel for Defendants to take the Wilder deposition remotely, in the amount of \$1,980.00, paid to Affinity VideoNet, Inc. See Affinity VideoNet, Inc. Invoice (attached hereto as Exhibit C); and Check dated 7/29/2004 (attached hereto as Exhibit D).¹
 - (iii) Fee paid to obtain copy of videotape of Wilder deposition for use at trial, in the amount of \$534.25, paid to On Site Media. See On Site Media Invoices and Check (attached hereto as Exhibit E).
- c. Fees necessarily incurred in connection with the deposition of Joseph Kacergis and John Riddle, both of which were videotaped for use at trial. These fees include:
 - (i) Written transcript fee, in the amount of \$1,001.61, paid to Victoria Court Reporting Service. See Victoria Court Reporting Services, Inc. Invoice and Check (attached hereto as Exhibit F);
 - (ii) Video conference fee, paid in order to allow counsel for Defendants to take the Riddle and Kacergis depositions remotely, in the amount of \$2,070.00, paid to Affinity VideoNet, Inc. See Affinity VideoNet, Inc.

¹ Note that the check attached as Exhibit D was issued to pay the videoconference fees associated with both the Wilder deposition and the depositions of Joseph Kacergis and John Riddle.

Invoice (attached hereto as Exhibit G); and Check dated 7/29/2004 (attached hereto as Exhibit D).²

- (iii) Fee paid to obtain copy of videotapes of John Riddle and Joseph Kacergis for use at trial, in the amount of \$165.00, paid to Legal Video Services, Inc. See Legal Video Services, Inc. Invoice and Check (attached hereto as Exhibit H).
- d. Fees necessarily incurred in connection with the depositions of Charles A. Coddington and Joseph P. Titterington, both of which were videotaped for use at trial. These fees include:
 - (i) Written transcript fee, in the amount of \$387.00, paid to First Services, Ltd. See First Services, Ltd. Invoice and Check (attached hereto as Exhibit I);
 - (ii) Fee paid to obtain copy of videotapes of depositions of Charles A. Coddington and Joseph P. Titterington for use at trial, in the amount of \$80.00, paid to First Services Ltd. See First Services, Ltd. Invoice and Check (attached hereto as Exhibit J).
- e. Fees necessarily incurred in connection with the deposition of Jay Beller, which was videotaped for use at trial. These fees include:
 - (i) Written transcript fee, in the amount of \$459.95, paid to D&R Reporting & Video, Inc. See D&R Reporting & Video, Inc. Invoice and Check (attached hereto as Exhibit K);
 - (ii) Video conference fee, paid in order to allow counsel for Defendants to take the Beller depositions remotely, in the amount of \$1,322.50, paid to Affinity VideoNet, Inc. See Affinity VideoNet, Inc. Invoice (attached hereto as Exhibit L);
 - (iii) Fee paid to obtain copy of videotape of deposition of Jay Beller for use at trial, in the amount of \$225.00. See D&R Reporting & Video, Inc. Invoice, Check, and E-mail (attached hereto as Exhibit M).
- f. Fee paid to obtain copy of transcript of deposition of Gary A. Rosen, paid to Varallo Incorporated, in the amount of \$387.80. See Varallo Incorporated Invoice and Check (attached hereto as Exhibit N).

² As noted *supra*, note 1, the check attached as Exhibit D was issued to pay the videoconference fees associated with both the Wilder, Kacergis and Riddle depositions.

II. Fees for Certified Copies of UCC Statements Used at Trial

- g. Fee paid to obtain certified copy of UCC statement filed by Heller Financial, Inc. with the Oklahoma County Clerk, for introduction into evidence at trial, in the amount of \$4.00. See Check made payable to Oklahoma County Clerk (attached hereto as Exhibit O).
- h. Fee paid to obtain certified copy of UCC statement filed by Heller Financial, Inc. with the Illinois Secretary of State, for introduction into evidence at trial, in the amount of \$6.00. See Check made payable to Illinois Secretary of State (attached hereto as Exhibit P).

III. Fees for Preparation of Exhibits Used at Trial

- i. Fee paid to Kinko's for preparation of trial exhibits (specifically, oversize color, laminated and mounted exhibits for use during jury trial), in the amount of \$215.18. See Kinko's Invoice, Credit Card Receipt, and reimbursement check (attached hereto as Exhibit Q).
- j. Fee paid to IKON Office Solutions for photocopies of trial exhibits submitted to court, in the amount of \$112.00. See IKON Office Solutions Invoice (attached hereto as Exhibit R) (second entry only, concerning reference number 49978/0001).
- k. Photocopying fees associated with photocopies of trial exhibits introduced into evidence and provided to jurors during jury trial, in the amount of \$2,004.86. See Invoice from Bazelon Less & Feldman, P.C., at page 4 (attached hereto as Exhibit S).

IV. Fees for Transcripts Needed to Oppose Vanguard's Renewed Rule 50 Motion

- l. Fee paid to the court reporter for the Federal District Court for the Eastern District of Pennsylvania, in the amount of \$993.30, in order to obtain transcript of trial before Judge Fullam. Defendants were required to purchase said transcripts in order to adequately object to Vanguard's Renewed Motion for Judgment as a Matter of Law, or In the Alternative, for New Trial. See LAWS Transcription Service Invoices and corresponding checks, (attached hereto as Exhibit T).
- 3. The total amount of items 2(a) through 2(l) above, is \$14,723.60.

THE DEFENDANTS
BY THEIR ATTORNEYS,

A handwritten signature in black ink, appearing to be 'Marc L. Zaken', written over a horizontal line.

Marc L. Zaken (*Pro hac vice*)

mzaken@edwardsangell.com

William E. Lohnes (*Pro hac vice*)

wlohn@edwardsangell.com

EDWARDS & ANGELL, LLP

Three Stamford Plaza

301 Tresser Boulevard

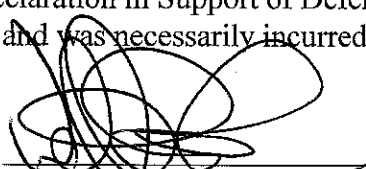
Stamford, CT 06901

Tel: (203) 353-6819

Fax: (888) 325-1667

VERIFICATION

The undersigned, being duly sworn, does depose and say that I reviewed each item on the foregoing Bill of Costs and Supplemental Declaration in Support of Defendants' Bill of Costs, and have confirmed that each item is correct and was necessarily incurred in this case and was actually and necessarily performed.



William E. Lohnes, Esq.

Subscribed and before me this 14th day of February, 2005



Notary Public

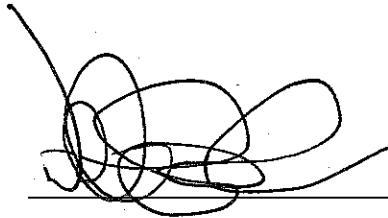
My Commission Expires:

ANDREA L. ALMEIDA
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2009

CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing Bill of Costs and Supplemental Declaration in Support of Defendants' Bill of Costs was sent, via U.S. mail, postage prepaid, this 15th day of February, 2005 to the following counsel of record:

George Bochetto, Esquire
David J. Perlman, Esquire
Bochetto & Lentz, P.C.
1524 Locust Street
Philadelphia, PA 19102

A handwritten signature in black ink, appearing to be "William E. Lohnes", is written over a horizontal line.

William E. Lohnes, Esq.